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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,025	12/29/2003	Robert W. Crocitto		4488

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 Robert W. Crocitto
 5233 N. Elk River Road
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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/665,025

Applicant(s)

CROCITTO, ROBERT W.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

On 8 December 2006, applicant cancelled claims 1-13 and submitted new claims 14-33.

Claims 14-33 are pending and will be examined. Claims 14 and 22 are independent.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Objections the drawings are withdrawn in view of amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter (US 5,892,900).

As per claim 14, Ginter discloses distributing content over a communications network (Fig. 1, 3 and related text), the method comprising the steps of:

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A. maintaining content on a user content downloading system (Rights Distributor, item 106, as in Fig. 2 and related text) in communication with the communications network (Internet, as in Col. 18, lines 39-67);

B. allowing a first user to access the content downloading system through the communications network (see Fig. 54 and related text, concerning access and download; see also Col. 307, lines 31-56);

C. in response to receiving a first request for first content from the first user, downloading the first content to a remote content Storage system through the communications network (As in Col. 338, line 50-Col. 339, line 25); and

D. in response to receiving a first subsequent request for said first content another user or from the first user for downloading of the first content to yet a further user, providing a first reward to the first user (as in Col. 328, lines 42-53).

As per claim 15, Ginter discloses in response to at least one among a plurality of further subsequent requests respectively from each among a plurality of additional subsequent users for said first content, providing at least a second award to the first user (as in Col. 327, lines 9-22; see also Fig. 87, item 3602, client users up to *n-levels*).

As per claim 16, Ginter discloses the first subsequent request for said first content is from said another user (see at least Col. 327, lines 9-22, redistributing to other participants and distributors); and

providing at least a third award to said another user (see redistribution and payments, as in Col. 329, line 46-Col. 330, line 7).

As per claim 17, Ginter discloses that the remote content storage system is the first user's content storage system (see at least Col. 264, lines 27-42)

As per claim 18, Ginter discloses that (i) the remote content storage system is the first user's content storage system and (ii) the method also includes in step E: in response to at least one among said plurality of further subsequent requests respectively from a plurality of additional subsequent users for said first content, downloading the first content from the first user's content storage system to at least one additional subsequent user storage system.

As per claim 19, Ginter discloses that providing at least a fourth award to the first user (as in Col. 329, line 46-Col. 330, line 45).

As per claim 20, Ginter discloses (i) the remote content storage system is the first user's content storage system (as in Fig. 87, item 106, 106a) and (ii) the method also includes in step E: in response to at least one among said plurality of further subsequent requests respectively from a plurality of additional subsequent users for said first content, downloading the first content from the first user's content storage system to at least one additional subsequent user storage system (as in Fig. 87, item 3602, n-levels).

As per claim 21, Ginter discloses providing at least a fourth award to the first user; see references to distribution chains, including distributor, redistributors, client users, as in Col. 23, line 45-Col. 23, line 8).

As per claim 22, Ginter discloses distributing content over a communications network, the method comprising the steps of:

A. providing a content on a content downloading system (Fig. 3, for example) in communication with the communications network (internet, as in Col. 18, lines 39-67);

B. allowing a first user to access the content downloading system through the communications network (see Fig. 54 and related text, concerning access and download; see also Col. 307, lines 31-56);

C. in response to receiving a first request for first content from the first user, transferring the first content to a remote content storage system through the communications network (as in Col. 338, line 50-Col. 339, line 25);

D. in response to receiving a first subsequent request for said first content from another user, providing a first reward to the first user as in Col. 328, lines 42-53); and

E. in response to at least one among a plurality of further subsequent requests respectively from among a plurality of additional subsequent users for said first content, providing at least a second award to the first user (see distribution chains, as in Fig. 84 and related text).

Claim 23 is rejected on the same grounds as claim 16.

As per claim 24, Ginter discloses that the remote content storage system is the first user's content storage system (see, for example, at least Col. 330, lines 8-45).

As per claim 25, Ginter discloses that in response to at least one among said plurality of further subsequent requests respectively from a plurality Of additional subsequent users for said first content, transferring the first content from the first user's

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content storage system to at least one additional subsequent user storage system (see, for example, at least Fig. 84 and related text).

As per claim 26, Ginter discloses that providing at least a third award to the first user (Col. 33, lines 35-65).

As per claim 27, Ginter discloses that in response to at least one among said plurality of further subsequent requests respectively from a plurality of additional subsequent users for said first content, transferring the first content from said another user's content storage system to at least one additional subsequent user storage system (Fig. 87, redistributors(s) 106a, for example).

As per claim 28, Ginter discloses providing at least a third award to said another user (as in Col. 33, lines 36-65).

As per claim 29, Ginter discloses transferring first content through the communications network (as in Col. 338, line 50-Col. 339, line 25);

Claim 30 is rejected on the same grounds as claim 29.

Claim 31 is rejected on the same grounds as claim 29.

Claim 32 is rejected on the same grounds as claim 29.

As per claim 33, Ginter discloses in response to receiving a second further request for second content from a different user, transferring the first content to the different user's storage system from the first or another user's storage system through the communications network and providing a fourth reward to the first or another user. See, for example, at least Fig. 84, 85 and related text.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
11 April 2007



JAMES ZURITA
PRIMARY EXAMINER